

Schedule B

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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

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UNITED STATES OF AMERICA,

v.

QIAN SMITH,  
a/k/a "Quian Smith"

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Hon. Peter G. Sheridan

Criminal No. 08-550 (PGS)

CONSENT JUDGMENT  
AND PRELIMINARY  
ORDER OF FORFEITURE

This matter having been opened to the Court by Christopher J. Christie, United States Attorney for the District of New Jersey, Scott B. McBride, Assistant United States Attorney appearing, and Paul H. Feinberg,, for defendant, Qian Smith, state as follows:

**WHEREAS**, in accordance with the Plea Agreement filed on or about Dec. 12, 2008 entered into between the United States of America and defendant Qian Smith in the above matter, the defendant pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c) agrees to the forfeiture of:

(1) a Smith and Wesson 9mm semi-automatic pistol bearing serial number PDH6727; and

(2) six 9mm rounds.

**WHEREAS**, defendant, Qian Smith specifically acknowledges notice of the criminal forfeiture, consents to the entry of a Consent Judgment and Preliminary Order of Forfeiture, and waives his right to be present and heard on the timing and form of this order pursuant to Federal Rules of Criminal Procedure 32.2 and 43(a); and

**WHEREAS**, defendant, Qian Smith agrees not to contest the forfeiture of the above referenced property;

**WHEREAS**, by virtue of the above, the United States is now entitled to possession of the herein described assets pursuant to 18 U.S.C. § 924(d), 28 U.S.C. § 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure; and

**WHEREAS**, defendant Qian Smith waives and abandons all right, title, and interest in the firearm and ammunition listed above. Defendant Qian Smith further waives, releases, and withdraws any claim that defendant may have made with respect to the above listed firearm and ammunition and waives and releases any claim that defendant might otherwise have made to them in the future; and

**WHEREAS**, defendant Qian Smith consents to the destruction of the above listed firearm and ammunition.

It is hereby **ORDERED, ADJUDGED, AND DECREED**:

That the property, specifically:

(1) a Smith and Wesson 9mm semi-automatic pistol bearing serial number PDH6727; and

(2) six 9mm rounds;

are to be held by any authorized agency of the United States in its secure custody and control;

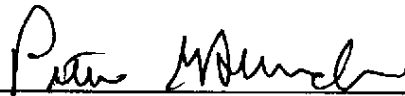
That pursuant to applicable law the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier.

This notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right or interest in the forfeited firearm and ammunition and any additional facts supporting the petitioner's claim and the relief sought.


The United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property that is the subject of this Consent Judgment and Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified; and

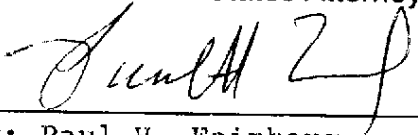
That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture including authority to destroy the above listed firearm and ammunition.

ORDERED this 12 day of December, 2008

  
HONORABLE PETER G. SHERIDAN  
United States District Judge

CHRISTOPHER J. CHRISTIE  
UNITED STATES ATTORNEY

  
By: Scott B. McBride  
Assistant United States Attorney

  
By: Paul H. Feinberg  
Counsel for the Defendant

  
Defendant Qian Smith

12/10/08, 200\_  
Dated

12/1/08, 200\_  
Dated

12/1/08, 200\_  
Dated